THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.4154 of 2006

Dt.18-04-2006

Between:

Balamba National Social Organization

..Petitioner

and

1.The Joint Collector-I, R.R.District, Lakdikapool,

Hyderabad and others.

..Respondents.

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Oral Order:

Petitioner, who is the registered Non-Governmental Organization is maintaining toilets, bathrooms and urinals at Kukatpally Rythu Bazar on the permission granted the 3rd respondent through letter dated 08-05-2003. On allotting the work it appears that the respondents have demanded a sum of Rs.300/- per month towards maintenance charges from the month of 2005 onwards and the same has been enhanced by issuing proceedings dated 31-05-2005 to Rs.1,000/- per month and now the respondents are demanding Rs.3,000/- per month towards maintenance charges. Questioning the legality and validity of the same present writ petition is filed contending that respondents having granted permission for cleaning and

maintenance of toilets at free of cost initially started charging maintenance charges and enhanced from time to time, now cannot arbitrarily enhance the maintenance charges at Rs.3,000/- per month and the same is liable to be set aside. On failure to pay the enhanced maintenance charges respondents are threatening to evict the petitioner, which is highly arbitrary and illegal. Therefore, petitioner moved this Court by way of present writ petition.

No statutory right is alleged to have been violated nor allotment/contract entered by the petitioner for cleaning and maintenance of toilets is a statutory contract to maintain the present writ petition.

The only submission made by the learned counsel for the petitioner is that the 3rd respondent being the public authority cannot act arbitrarily and in violation of principles of natural justice.

In the counter filed by the 2nd respondent it is stated that entire Rythu Bazar was constructed by spending a sum of Rs.50 lakhs and provided facilities like shops, water connection, electrification, parking block, canteen block and toilet blocks etc. as per the Government sanctions. Initially all the facilities were provided with free of cost to the users of Rythu Bazar and petitioner was also provided the toilet blocks with free of cost. Since the Government incurring expenditure towards salaries to subordinate staff, maintenance, electricity and water charges and also cleaning and lifting of garbage etc. decided to collect maintenance charges from all the existing block allottees. It is also stated that though the petitioner is a social organization they are collecting Rs.7/- for bathing; Rs.2/- for toilet and Rs.1/- for urine from women and they are getting every day income. Therefore, the Marketing Department collecting maintenance charges from the block allottees.

Since the award of the work is not a statutory contract and in the absence of any violation of statutory right of the petitioner on mere collection of maintenance charges writ petition cannot be entertained and it is accordingly dismissed. However, petitioner is at liberty to work out their remedies before the appropriate forum.

Writ petition is accordingly dismissed. No costs.

_____ A.GOPAL REDDY, J.

18-04-2006

Murthy